

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Criminal No. 06-105-JD

Vincent Chaney

O R D E R

The defendant has filed a motion to sever Counts I and II from Count III for purposes of trial.

Counts I and II involve events that occurred 19 months before the events in Count III. Counts I and II involve different facts, location, and witnesses from those involved in Count III. The 19 month gap between the offenses presents a risk of jury confusion. In addition, Counts II and III charge similar offenses which also raises the risk that if the jury should find the defendant guilty of Count II, that would weigh heavily against the defendant when the jury considered Count III.

Pursuant to Fed. R. Crim. P. 14(a) the court finds that the joinder of Counts I and II with Count III for trial appears to prejudice the defendant. Therefore, Counts I and II are severed from Count III for purposes of trial.

The defendant's motion is granted.

SO ORDERED.


Joseph A. DiClerico, Jr.
United States District Judge

July 9, 2008

cc: Robert G. Daniels, Esquire
William E. Morse, Esquire